

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JI SUNG SHIN,

Defendant - Appellant.

No. 06-10697

D.C. No. CR-01-00083-MCE

JUDGMENT

FILED
DISTRICT COURT OF GUAM

FEB 15 2008

JEANNE G. QUINATA
Clerk of Court

Appeal from the United States District Court for the USDC - UNITED STATES DISTRICT COURT OF GUAM (HAGATNA).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the USDC - UNITED STATES DISTRICT COURT OF GUAM (HAGATNA) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED**.

Filed and entered 01/18/08

ATRUE COPY
CATHY A. CATTERSON
CLERK OF COURT
ATTEST

FEB 11 2008

by: 
Deputy Clerk

JAN 18 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JI SUNG SHIN,

Defendant - Appellant.

No. 06-10697

D.C. No. CR-01-00083-LAB

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
Larry A. Burns, District Judge, Presiding

Submitted January 14, 2008**

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Ji Sung Shin appeals from the 48-month sentence imposed following his guilty-plea conviction for use of a communication facility, in violation of 21

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

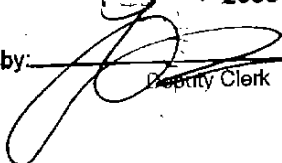
U.S.C. § 843(b). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Shin contends that his sentence is unreasonable because the district court treated the Sentencing Guidelines as mandatory and did not identify the subsection of 18 U.S.C. § 3353 on which it relied. We disagree. The record reflects that the district court considered the sentencing factors set forth in § 3553(a) and treated the Guidelines as advisory. *See Gall v. United States*, 128 S. Ct. 586, 596-600 (2007).

Shin also contends that his sentence is unreasonable because it is substantially longer than the sentences imposed on three co-defendants. However, the record indicates that “the district court had a reasonable basis under the advisory Sentencing Guidelines for the difference in the sentence each received.” *United States v. Plouffe*, 445 F.3d 1126, 1131-32 (9th Cir.), *cert. denied*, 126 S. Ct. 2314 (2006).

AFFIRMED.

ATTEST
CATHY J. PETERSON
CLERK OF COURT

11 2008
by: 
Deputy Clerk